

Detective Agency Chief Defies a Hill Subpoena

3/18/78
By Bill Richards

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Citing her constitutional rights as "a journalist and a scholar," the head of a West Coast private detective agency yesterday refused to comply with a congressional subpoena to turn over files on alleged spying on nuclear power foes.

Patricia Atthowe, president of Research West, a licensed private detective agency in Emeryville, Calif., also told Rep. John E. Moss (D-Calif.) during a hearing before the House subcommittee on oversight and investigations that if the files were released to the subcommittee they would be leaked and she would be put out of business.

Subcommittee officials said Atthowe's refusal to turn over the detective agency files marked the first time a private firm has refused to comply with a congressional subpoena, a move that could lead to a formal contempt-of-Congress action.

Moss, who chaired the 20-minute hearing, said the subcommittee will decide Tuesday whether to begin a contempt-of-Congress action against Atthowe. The move would have to be approved by both the entire Interstate and Foreign Commerce Committee and the House before being turned over to the Justice Department. The maximum penalty is one year in prison and a \$1,000 fine.

During yesterday's hearing Moss ordered Atthowe, who appeared with her attorney, to turn over any material her detective agency had gathered on political dissidents and nuclear power foes for utilities.

"Well, Mr. Moss," she replied, "I don't believe I have a legal responsibility to self-destruct."

When Moss asked if she was refusing the subpoena, Atthowe said, "I respectfully decline to go out of business."

In a separate prepared statement distributed by Atthowe to members of the subcommittee and others at the hearing Atthowe noted that according to her agency's letterhead, the firm is

engaged in "Newsgathering, Reporting, Analysis, Industrial Conflict Studies."

Atthowe said that in the past she had taken "a strong position on certain matters dealing with the energy crisis in this country."

"Any attempt to inhibit or curtail that right is a serious invasion of my rights as a journalist and a scholar," she said in the statement.

According to documents on file with the Federal Power Commission, Research West has been hired in the past by the Georgia Power Co. and Pacific Gas and Electric Co. Former Georgia Power Co. security officials have stated in sworn affidavits that Research West was used by the utility to provide information on nuclear power opponents.

Both Georgia Power and PG&E have denied using the detective agency for any improper activities.

In her statement, Atthowe said Research West has done work also for Readers Digest, The San Francisco Examiner and a trade publication, Security Management.

Readers Digest officials yesterday said they used the detective agency for articles on terrorism and radical groups. The Examiner is currently a codefendant with Research West in a libel lawsuit, and a Library of Congress study shows one article in Security Management bearing Atthowe's byline.

Alan Dershowitz, a First Amendment expert at Harvard Law School, yesterday said Atthowe's request for exemption from a congressional subpoena is not likely to withstand a federal, court challenge.